

**ASSEMBLY BILL**

**No. 1531**

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**Introduced by Committee on Environmental Safety and Toxic  
Materials (Assembly Members Alejo (Chair), Gonzalez, McCarty,  
and Ting)**

March 23, 2015

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An act to amend Sections 6103.4 and 53082.5 of the Government Code, to amend Sections 116270, 116275, 116380, 116551, 116552, 116655, 116735, 116751, 116760.20, 116761.65, and 117125 of, to add Sections 116365.03, 116701, and 116760.38 to, to repeal and add Section 116761.70 of, and to repeal Sections 116293, 116365.5, and 116379 of, the Health and Safety Code, and to amend Sections 10735.4, 10735.6, 13176, 13177, 13177.5, 13177.6, 13178, 13181, 13275, 13285, 13304.1, 13392, 13392.5, 13393.5, 13400, 13426, 13476, 13480, and 79702 of, and to repeal Section 13331.2 of, the Water Code, relating to water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1531, as introduced, Committee on Environmental Safety and Toxic Materials. State Water Resources Control Board.

(1) Existing law, the California Safe Drinking Water Act (state act), requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. The state board's duties include, but are not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act (federal act), and adopting and enforcing regulations. Existing law requires the state board to appoint a deputy director to oversee the issuance and enforcement of public

water system permits and delegates certain authorities of the state board to the deputy director.

This bill would authorize the state board to adopt, as emergency regulations, any regulation necessary to ensure consistency with the requirements for state primacy enforcement responsibility under the federal act. The bill would require that these emergency regulations not be subject to review by the Office of Administrative Law and remain in effect until revised by the state board.

The state act prohibits the state board from issuing a permit to a public water system or amending a valid existing permit to allow the use of point-of-use treatment unless the state board determines that there is no community opposition to the installation of the treatment device. The act also limits the issuance of this permit to no more than 3 years or until funding for centralized treatment is available, whichever occurs first.

This bill would also prohibit the use of point-of-entry treatment absent that state board determination, and would delete the limits on the duration of these permits. Additionally, the bill would authorize the state board to adopt regulations, similar to those previously authorized for adoption by the State Department of Public Health, governing the use of point-of-entry and point-of-use treatment by a public water system with less than 200 service connections in lieu of centralized treatment where it can be demonstrated that centralized treatment is not immediately economically feasible.

The state act authorizes the deputy director to issue an order directing certain actions whenever the deputy director determines that a person has violated or is violating the act, or any permit, regulation, or standard issued or adopted pursuant to the act. The act authorizes an aggrieved party 30 days after service of a copy of the order or decision to file with the superior court a petition for a writ of mandate for review of the order or decision.

The bill would authorize, as an alternative to filing with the superior court a petition for a writ of mandate and within 30 days of issuance of an order or decision issued by the deputy director, an aggrieved person to petition the state board for reconsideration and would authorize the state board to refuse to reconsider the order or decision, to deny the petition, or to set aside or modify the order or decision, as specified.

The state act authorizes the state board to take certain actions relating to the inspection of public water systems, including inspecting and copying any records, reports, test results, or other information required

to carry out the provisions of the act. Existing law makes it a crime for any person to knowingly commit certain acts, including making a false statement or representation in any application, record, report, or other document submitted, maintained, or used for the purposes of compliance with the act or withholding information requested by the state board regarding imminent and substantial danger to the public health or safety, as specified.

This bill would require the owner of a public water system to provide to the state board reports, test results, and other information required to carry out the act within 5 business days of a request from a duly authorized representative of the state board. To the extent that a person knowingly makes a false statement or representation on the information requested by the duly authorized representative, this bill would expand the scope of a crime and thereby impose a state-mandated local program.

This bill would declare the intent of the Legislature that the state act be construed to ensure consistency with the requirements for states to obtain and maintain primary enforcement responsibility for public water systems under the federal act.

(2) Existing law generally grants various powers to cities, counties, and certain special districts, including the power to issue bonds and incur indebtedness for certain purposes and subject to certain restrictions. Existing law authorizes counties, cities, and special districts that provide or intend to provide water treatment facilities or services, subject to applicable constitutional restrictions, to borrow money and incur indebtedness for purposes of the State Water Pollution Control Revolving Fund.

Existing law, the Safe Drinking Water State Revolving Fund Law of 1997, continuously appropriates state and federal funds in the Safe Drinking Water State Revolving Fund to the State Water Resources Control Board for grants or revolving fund loans for the design and construction of projects for public water systems that will enable those systems to meet safe drinking water standards. The revolving fund law defines “public agency,” for purposes of the act, to mean a city, county, city and county, joint powers authority, or other political subdivision of the state, that owns or operates a public water system.

This bill would expand the definition of “public agency” to include a municipality, as defined in the federal act. The bill would extend the authorization to borrow money and incur indebtedness to cities, counties, and special districts for purposes of the Safe Drinking Water State Revolving Fund.

The revolving fund law requires the state board to annually establish the interest rate for repayable financing made pursuant to these provisions, as specified. The revolving fund law authorizes the State Water Resources Control Board to undertake certain actions to implement the revolving fund law, including engaging in the transfer of capitalization grant funds, as specified. Existing law prohibits more than 4% of the capitalization grant from being used by the state board for administering the revolving fund law and authorizes the state board to establish a reasonable schedule for administrative fees to be paid by the grant applicant to reimburse the state for the costs of the administration of these provisions.

The bill would delete the requirement that the state board establish the interest rate annually and would instead authorize the state board to adjust the interest rate periodically. The bill would delete the prohibition against using more than 4% of the capitalization grant for administering the Safe Drinking Water Revolving Fund Law and would delete the authorization permitting the state board to establish a reasonable schedule for administrative fees. The bill would instead create the Safe Drinking Water State Revolving Fund Administrative Fund and would require moneys transferred to pay for the costs incurred by the state board for administering the act, moneys collected for financial assistance services, and interest earned upon these moneys to be deposited into the fund. The bill would authorize, where financial assistance is made and is to be repaid to the state board, the state board to assess an annual charge for financial assistance services, not to exceed 1% of the financial assistance balance. The bill would make moneys in the administration fund available to the state board, upon appropriation by the Legislature, for payment of reasonable costs of administering the fund. The bill would require the state board to set the total amount of revenue that is collected each year though the annual charge for financial assistance services at an amount that is equal as practicable to the appropriation amount set forth in the annual Budget Act. The bill would require, at least once each fiscal year, the state board to adjust the financial assistance service charge to conform with the annual Budget Act.

(3) Existing law generally prohibits the state, or a county, city, district, or other political subdivision, or any public officer or body acting in its official capacity on behalf of any of those entities, from being required to pay any fee for the performance of an official service. Existing law exempts from this provision any fee or charge for official

services required pursuant to specified provisions of law relating to water use or water quality, including the fees charged to public water systems under the California Safe Drinking Water Act.

This bill would specifically exempt other provisions relating to water use and water quality, including the Safe Drinking Water State Revolving Fund Law of 1997 and provisions relating to cross-connections of water users, water treatment devices, and operator certification of water treatment plants and water distribution systems.

(4) Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. The act authorizes the state board to designate a basin as a probationary basin if the state board makes a certain determination and to develop an interim plan for the probationary basin. The act requires a local agency or groundwater sustainability agency to have 90 or 180 days, as prescribed, to remedy the deficiency if the state board designates the basin as a probationary basin.

This bill would provide a local agency or groundwater sustainability agency 90 or 180 days, as prescribed, to remedy certain deficiencies that caused the state board to designate the basin as a probationary basin. This bill would authorize the state board to develop an interim plan for certain probationary basins one year after the designation of the basin as a probationary basin.

(5) Existing law, the Porter-Cologne Water Quality Control Act, establishes the State Water Pollution Control Revolving Fund program pursuant to which state and federal funds are continuously appropriated from the State Water Pollution Control Revolving Fund to the state board for permissible purposes authorized by the federal Clean Water Act or a federal capitalization grant deposited into the fund, including loans and other financial assistance for the construction of publicly owned treatment works by a municipality, the implementation of a management program, the development and implementation of a conservation and management plan, and other related purposes in

accordance with the federal Clean Water Act and the Porter-Cologne Water Quality Control Act.

This bill would instead require that moneys in the fund be used only for purposes allowed by the federal Clean Water Act or a federal grant, and would delete the specifications of the types of projects and programs eligible for this financial assistance. By allowing moneys in the fund to be used for purposes allowed by a federal grant, thereby expanding the purposes for which moneys in a continuously appropriated revolving fund may be expended, this bill would make an appropriation.

Existing law requires the loans to meet certain criteria, including full amortization not later than 20 years after project completion, unless otherwise authorized by a federal capitalization grant deposited into the fund. Existing law also authorizes loan forgiveness to the extent it is authorized by a federal capitalization grant deposited into the fund.

The bill would extend the loan amortization requirement to not later than 30 years after project completion unless otherwise authorized by a federal grant deposited in the fund and would authorize loan forgiveness to the extent it is authorized by a federal grant deposited into the fund without regard to whether it is a capitalization grant.

Existing law also authorizes moneys in the fund to be used for payment of the reasonable cost of administering the fund and conducting certain activities relating to the federal Clean Water Act. Existing law prohibits those costs from exceeding 4% of all federal contributions into the fund except, if permitted by federal and state law, interest payments into the fund and other moneys into the fund are authorized to be used to defray additional administrative and activity costs.

The bill would instead prohibit the costs used for administering the fund and conducting the federal Clean Water Act activities from exceeding 4% of all federal contributions in the fund, \$400,000 per year, or  $\frac{1}{5}$  of 1% per year of the current valuation of the fund, whichever is greater, plus the amount of fees collected by the state for these purposes, regardless of source.

(6) This bill would make various nonsubstantive changes, including repealing obsolete provisions and updating cross-references.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 6103.4 of the Government Code is amended to read:

6103.4. Section 6103 does not apply to any fee or charge for official services required by ~~Section 100860~~ of any of the following:

(a) *The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 of the Health and Safety Code).*

(b) *Article 3 (commencing with Section 106875) of Chapter 4 of Part 1 of Division 104 of the Health and Safety Code.*

(c) *The California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12 of Division 104 of the Health and Safety Code).*

(d) *The Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760) of Part 12 of Division 104 of the Health and Safety Code).*

(e) *Article 2 (commencing with Section 116800) and Article 3 (commencing with Section 116825) of Chapter 5 of Part 12 of Division 104 of the Health and Safety Code, or Part Code.*

(f) *Part 5 (commencing with Section 4999) of Division 2, or Division 2 of the Water Code.*

(g) *Division 7 (commencing with Section ~~13000~~, 13000) of the Water Code.*

SEC. 2. Section 53082.5 of the Government Code is amended to read:

53082.5. Subject to all applicable constitutional restrictions, a county, a city, or a special district that provides, or intends to provide, wastewater treatment facilities or services may borrow money and incur indebtedness pursuant to *Chapter 4.5 (commencing with Section 116760) of Part 12 of Division 104 of the Health and Safety Code or Chapter 6.5 (commencing with Section 13475) of Division 7 of the Water Code.*

SEC. 3. Section 116270 of the Health and Safety Code is amended to read:

116270. The Legislature finds and declares all of the following:

1 (a) Every ~~citizen~~ *resident* of California has the right to pure  
2 and safe drinking water.

3 (b) Feasible and affordable technologies are available and shall  
4 be used to remove toxic contaminants from public water supplies.

5 (c) According to the State Department of Health Services, over  
6 95 percent of all large public water systems in California are in  
7 compliance with health-based action levels established by the  
8 department for various contaminants.

9 (d) It is the policy of the state to reduce to the lowest level  
10 feasible all concentrations of toxic chemicals ~~that~~ *that*, when  
11 present in drinking ~~water~~ *water*, may cause cancer, birth defects,  
12 and other chronic diseases.

13 (e) This chapter is intended to ensure that the water delivered  
14 by public water systems of this state shall at all times be pure,  
15 wholesome, and potable. This chapter provides the means to  
16 accomplish this objective.

17 (f) It is the intent of the Legislature to improve laws governing  
18 drinking water quality, to improve upon the minimum requirements  
19 of the federal Safe Drinking Water Act Amendments of 1996, to  
20 establish primary drinking water standards that are at least as  
21 stringent as those established under the federal Safe Drinking  
22 Water Act, and to establish a program under this chapter that is  
23 more protective of public health than the minimum federal  
24 requirements.

25 (g) It is the further intent of the Legislature to establish a  
26 drinking water regulatory program within the ~~State Department~~  
27 ~~of Health Services in order~~ *state board* to provide for the orderly  
28 and efficient delivery of safe drinking water within the state and  
29 to give the establishment of drinking water standards and public  
30 health goals greater emphasis and visibility within the ~~state~~  
31 ~~department~~ *state*.

32 (h) *This act shall be construed to ensure consistency with the*  
33 *requirements for states to obtain and maintain primary enforcement*  
34 *responsibility for public water systems under the federal Safe*  
35 *Drinking Water Act and acts amendatory thereof or supplementary*  
36 *thereto.*

37 SEC. 4. Section 116275 of the Health and Safety Code is  
38 amended to read:

39 116275. As used in this chapter:



1 (a) “Contaminant” means any physical, chemical, biological,  
2 or radiological substance or matter in water.

3 (b) “Department” means the ~~State Department of Public Health~~  
4 *state board*.

5 (c) “Primary drinking water standards” means:

6 (1) Maximum levels of contaminants that, in the judgment of  
7 the ~~department~~ *state board*, may have an adverse effect on the  
8 health of persons.

9 (2) Specific treatment techniques adopted by the ~~department~~  
10 *state board* in lieu of maximum contaminant levels pursuant to  
11 subdivision (j) of Section 116365.

12 (3) The monitoring and reporting requirements as specified in  
13 regulations adopted by the ~~department~~ *state board* that pertain to  
14 maximum contaminant levels.

15 (d) “Secondary drinking water standards” means standards that  
16 specify maximum contaminant levels that, in the judgment of the  
17 ~~department~~ *state board*, are necessary to protect the public welfare.  
18 Secondary drinking water standards may apply to any contaminant  
19 in drinking water that may adversely affect the odor or appearance  
20 of the water and may cause a substantial number of persons served  
21 by the public water system to discontinue its use, or that may  
22 otherwise adversely affect the public welfare. Regulations  
23 establishing secondary drinking water standards may vary  
24 according to geographic and other circumstances and may apply  
25 to any contaminant in drinking water that adversely affects the  
26 taste, odor, or appearance of the water when the standards are  
27 necessary to ensure a supply of pure, wholesome, and potable  
28 water.

29 (e) “Human consumption” means the use of water for drinking,  
30 bathing or showering, hand washing, oral hygiene, or cooking,  
31 including, but not limited to, preparing food and washing dishes.

32 (f) “Maximum contaminant level” means the maximum  
33 permissible level of a contaminant in water.

34 (g) “Person” means an individual, corporation, company,  
35 association, partnership, limited liability company, municipality,  
36 public utility, or other public body or institution.

37 (h) “Public water system” means a system for the provision of  
38 water for human consumption through pipes or other constructed  
39 conveyances that has 15 or more service connections or regularly

1 serves at least 25 individuals daily at least 60 days out of the year.

2 A public water system includes the following:

3 (1) Any collection, treatment, storage, and distribution facilities  
4 under control of the operator of the system that are used primarily  
5 in connection with the system.

6 (2) Any collection or pretreatment storage facilities not under  
7 the control of the operator that are used primarily in connection  
8 with the system.

9 (3) Any water system that treats water on behalf of one or more  
10 public water systems for the purpose of rendering it safe for human  
11 consumption.

12 (i) "Community water system" means a public water system  
13 that serves at least 15 service connections used by yearlong  
14 residents or regularly serves at least 25 yearlong residents of the  
15 area served by the system.

16 (j) "Noncommunity water system" means a public water system  
17 that is not a community water system.

18 (k) "Nontransient noncommunity water system" means a public  
19 water system that is not a community water system and that  
20 regularly serves at least 25 of the same persons over six months  
21 per year.

22 (l) "Local health officer" means a local health officer appointed  
23 pursuant to Section 101000 or a local comprehensive health agency  
24 designated by the board of supervisors pursuant to Section 101275  
25 to carry out the drinking water program.

26 (m) "Significant rise in the bacterial count of water" means a  
27 rise in the bacterial count of water that the ~~department~~ *state board*  
28 determines, by regulation, represents an immediate danger to the  
29 health of water users.

30 (n) "State small water system" means a system for the provision  
31 of piped water to the public for human consumption that serves at  
32 least five, but not more than 14, service connections and does not  
33 regularly serve drinking water to more than an average of 25  
34 individuals daily for more than 60 days out of the year.

35 (o) "Transient noncommunity water system" means a  
36 noncommunity water system that does not regularly serve at least  
37 25 of the same persons over six months per year.

38 (p) "User" means a person using water for domestic purposes.  
39 User does not include a person processing, selling, or serving water  
40 or operating a public water system.

(q) “Waterworks standards” means regulations adopted by the department that take cognizance of the latest available “Standards of Minimum Requirements for Safe Practice in the Production and Delivery of Water for Domestic Use” adopted by the California section of the American Water Works Association; *state board entitled “California Waterworks Standards” (Chapter 16 (commencing with Section 64551) of Division 4 of Title 22 of the California Code of Regulations).*

(r) “Local primacy agency” means a local health officer that has applied for and received primacy delegation ~~from the department~~ pursuant to Section 116330.

(s) “Service connection” means the point of connection between the customer’s piping or constructed conveyance, and the water system’s meter, service pipe, or constructed conveyance. A connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection in determining if the system is a public water system if any of the following apply:

(1) The water is used exclusively for purposes other than residential uses, consisting of drinking, bathing, and ~~cooking~~ *cooking*, or other similar uses.

(2) ~~The department~~ *state board* determines that alternative water to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulation is provided for residential or similar uses for drinking and cooking.

(3) ~~The department~~ *state board* determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a passthrough entity, or the user to achieve the equivalent level of protection provided by the applicable primary drinking water regulations.

(t) “Resident” means a person who physically occupies, whether by ownership, rental, lease, or other means, the same dwelling for at least 60 days of the year.

(u) “Water treatment operator” means a person who has met the requirements for a specific water treatment operator grade pursuant to Section 106875.

(v) “Water treatment operator-in-training” means a person who has applied for and passed the written examination given by the ~~department~~ *state board* but does not yet meet the experience

1 requirements for a specific water treatment operator grade pursuant  
2 to Section 106875.

3 (w) “Water distribution operator” means a person who has met  
4 the requirements for a specific water distribution operator grade  
5 pursuant to Section 106875.

6 (x) “Water treatment plant” means a group or assemblage of  
7 structures, equipment, and processes that treats, blends, or  
8 conditions the water supply of a public water system for the  
9 purpose of meeting primary drinking water standards.

10 (y) “Water distribution system” means any combination of pipes,  
11 tanks, pumps, and other physical features that deliver water from  
12 the source or water treatment plant to the consumer.

13 (z) “Public health goal” means a goal established by the Office  
14 of Environmental Health Hazard Assessment pursuant to  
15 subdivision (c) of Section 116365.

16 (aa) “Small community water system” means a community  
17 water system that serves no more than 3,300 service connections  
18 or a yearlong population of no more than 10,000 persons.

19 (ab) “Disadvantaged community” means the entire service area  
20 of a community water system, or a community therein, in which  
21 the median household income is less than 80 percent of the  
22 statewide average.

23 (ac) “State board” means the State Water Resources Control  
24 Board.

25 (ad) “Deputy director” means the deputy director appointed  
26 by the state board pursuant to subdivision (k) of Section 116271.

27 SEC. 5. Section 116293 of the Health and Safety Code is  
28 repealed.

29 ~~116293. (a) On January 1, 2003, the Office of Environmental~~  
30 ~~Health Hazard Assessment shall perform a risk assessment and,~~  
31 ~~based upon that risk assessment, shall adopt a public health goal~~  
32 ~~based exclusively on public health consideration for perchlorate~~  
33 ~~using the criteria set forth in subdivision (c) of Section 116365.~~

34 ~~(b) On or before January 1, 2004, the department shall adopt~~  
35 ~~a primary drinking water standard for perchlorate found in public~~  
36 ~~water systems in California in a manner that is consistent with this~~  
37 ~~chapter.~~

38 SEC. 6. Section 116365.03 is added to the Health and Safety  
39 Code, to read:

1 116365.03. (a) Notwithstanding any other law, and except as  
2 provided in subdivision (b), the state board may adopt, as an  
3 emergency regulation in accordance with Chapter 3.5 (commencing  
4 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
5 Government Code, any regulation that is necessary to ensure  
6 consistency with the requirements for state primacy enforcement  
7 responsibility under the federal Safe Drinking Water Act (42 U.S.C.  
8 Sec. 300f et seq.). The adoption of the regulation is an emergency  
9 and shall be considered by the Office of Administrative Law as  
10 necessary for the immediate preservation of the public peace,  
11 health, safety, and general welfare.

12 (b) Notwithstanding Section 116377, an emergency regulation  
13 adopted by the state board pursuant to this section is not subject  
14 to review by the Office of Administrative Law and shall remain  
15 in effect until revised by the state board.

16 SEC. 7. Section 116365.5 of the Health and Safety Code is  
17 repealed.

18 ~~116365.5. (a) The Department of Health Services shall~~  
19 ~~commence the process for adopting a primary drinking water~~  
20 ~~standard for hexavalent chromium that complies with the criteria~~  
21 ~~established under Section 116365.~~

22 ~~(b) The department shall report to the Legislature on its progress~~  
23 ~~in developing a primary drinking standard for hexavalent chromium~~  
24 ~~by January 1, 2003.~~

25 ~~(c) The department shall establish a primary drinking water~~  
26 ~~standard for hexavalent chromium on or before January 1, 2004.~~

27 SEC. 8. Section 116379 of the Health and Safety Code is  
28 repealed.

29 ~~116379. Notwithstanding Sections 116360, 116375, and~~  
30 ~~116450, public water systems are not required to observe the~~  
31 ~~standards of subdivision (f) of Section 64435 of Title 22 of the~~  
32 ~~California Code of Regulations.~~

33 SEC. 9. Section 116380 of the Health and Safety Code is  
34 amended to read:

35 116380. (a) In addition to the requirements set forth in Section  
36 116375, the regulations adopted by the ~~department~~ *state board*  
37 pursuant to Section 116375 ~~shall~~ *may* include requirements  
38 governing the use of point-of-entry and point-of-use treatment by  
39 public water systems *with less than 200 service connections* in  
40 lieu of centralized treatment where it can be demonstrated that

1 centralized treatment is not immediately economically ~~feasible,~~  
2 ~~limited to the following:~~ *feasible*.

3 ~~(1) Water systems with less than 200 service connections.~~

4 ~~(2) Usage allowed under the federal Safe Drinking Water Act~~  
5 ~~and its implementing regulations and guidance.~~

6 ~~(3) Water systems that have submitted preapplications with the~~  
7 ~~State Department of Public Health for funding to correct the~~  
8 ~~violations for which the point-of-entry and point-of-use treatment~~  
9 ~~is provided.~~

10 ~~(b) The department shall adopt emergency regulations governing~~  
11 ~~the permitted use of point-of-entry and point-of-use treatment by~~  
12 ~~public water systems in lieu of centralized treatment.~~

13 ~~(1)~~

14 ~~(b) The emergency regulations shall comply with Section~~  
15 ~~116552, and shall comply with all of and the requirements set forth~~  
16 ~~in subdivision (a) applicable to nonemergency regulations (a), but~~  
17 ~~shall not be subject to the rulemaking provisions of the~~  
18 ~~Administrative Procedure Act (Chapter 3.5 (commencing with~~  
19 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~  
20 ~~Code). The emergency regulations shall take effect when filed~~  
21 ~~with the Secretary of State, and shall be published in the California~~  
22 ~~Code of Regulations.~~

23 ~~(2) The emergency regulations adopted pursuant to this~~  
24 ~~subdivision shall remain in effect until the earlier of January 1,~~  
25 ~~2014, or the effective date of regulations adopted pursuant to~~  
26 ~~subdivision (a).~~

27 SEC. 10. Section 116551 of the Health and Safety Code is  
28 amended to read:

29 116551. The department shall not issue a permit to a public  
30 water system or amend a valid existing permit for the use of a  
31 reservoir as a source of supply that is directly augmented with  
32 recycled water, as defined in subdivision (n) of Section 13050 of  
33 the Water Code, unless the department does all of the following:

34 (a) Performs an engineering evaluation that evaluates the  
35 proposed treatment technology and finds that the proposed  
36 technology will ensure that the recycled water meets ~~or exceeds~~  
37 all applicable primary and secondary drinking water standards and  
38 poses no significant threat to public health.

39 (b) Holds at least three duly noticed public hearings in the area  
40 where the recycled water is proposed to be used or supplied for

1 human consumption to receive public testimony on that proposed  
2 use. The department shall make available to the public, not less  
3 than 10 days prior to the date of the first hearing held pursuant to  
4 this subdivision, the evaluations and findings made pursuant to  
5 subdivision (a).

6 SEC. 11. Section 116552 of the Health and Safety Code is  
7 amended to read:

8 116552. ~~The department~~ *state board* shall not issue a permit  
9 to a public water system or amend a valid existing permit to allow  
10 the use of point-of-use *or point-of-entry* treatment unless the  
11 ~~department~~ *state board* determines, after conducting a public  
12 hearing in the community served by the public water system, that  
13 there is no substantial community opposition to the installation of  
14 ~~point-of-use~~ *the* treatment devices. ~~The issuance of a permit~~  
15 ~~pursuant to this section shall be limited to not more than three~~  
16 ~~years or until funding for centralized treatment is available,~~  
17 ~~whichever occurs first.~~

18 SEC. 12. Section 116655 of the Health and Safety Code is  
19 amended to read:

20 116655. (a) Whenever the ~~department~~ *state board* determines  
21 that any person has violated or is violating this chapter, or any  
22 *order*, permit, regulation, or standard issued or adopted pursuant  
23 to this chapter, the ~~director~~ *state board* may issue an order doing  
24 any of the following:

25 (1) Directing compliance forthwith.  
26 (2) Directing compliance in accordance with a time schedule  
27 set by the ~~department~~ *state board*.

28 (3) Directing that appropriate preventive action be taken in the  
29 case of a threatened violation.

30 (b) An order issued pursuant to this section may include, but  
31 shall not be limited to, any or all of the following requirements:

32 (1) That the existing plant, works, or system be repaired, altered,  
33 or added to.

34 (2) That purification or treatment works be installed.

35 (3) That the source of the water supply be changed.

36 (4) That no additional service connection be made to the system.

37 (5) That the water supply, the plant, or the system be monitored.

38 (6) That a report on the condition and operation of the plant,  
39 works, system, or water supply be submitted to the ~~department~~  
40 *state board*.

SEC. 13. Section 116701 is added to the Health and Safety Code, to read:

116701. (a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person, as an alternative to Section 116700, may petition the state board for reconsideration.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.

SEC. 14. Section 116735 of the Health and Safety Code is amended to read:

116735. (a) (1) In order to carry out the purposes of this chapter, any duly authorized representative of the ~~department~~ *state board* may, at any reasonable hour of the day, do any of the following:

(1)



1 (A) Enter and inspect any public water system or any place  
2 where the public water system records are stored, kept, or  
3 maintained.

4 ~~(2)~~

5 (B) Inspect and copy any records, reports, test results, or other  
6 information required to carry out this chapter.

7 ~~(3)~~

8 (C) Set up and maintain monitoring equipment for purposes of  
9 assessing compliance with this chapter.

10 ~~(4)~~

11 (D) Obtain samples of the water supply.

12 ~~(5)~~

13 (E) Photograph any portion of the system, any activity, or any  
14 sample taken.

15 *(2) An owner of a public water system shall provide to the state*  
16 *board reports, test results, and other information required to carry*  
17 *out this chapter within five business days of a request for the*  
18 *records from a duly authorized representative of the state board.*

19 (b) The ~~department~~ *state board* shall inspect each public water  
20 system as follows:

21 (1) A system with any surface water source with treatment shall  
22 be inspected annually.

23 (2) A system with any groundwater source subject to treatment  
24 with only groundwater sources shall be inspected biennially.

25 (3) A system with only groundwater sources not subject to  
26 treatment shall be inspected every three years.

27 (c) Nothing in this section shall prohibit the ~~department~~ *state*  
28 *board* from inspecting public water systems on a more frequent  
29 basis. An opportunity shall be provided for a representative of the  
30 public water system to accompany the representative of the  
31 ~~department~~ *state board* during the inspection of the water system.

32 (d) It shall be a misdemeanor for any person to prevent, interfere  
33 with, or attempt to impede in any way any duly authorized  
34 representative of the ~~department~~ *state board* from undertaking the  
35 activities authorized by *paragraph (1) of subdivision (a)*. *A person*  
36 *who violates paragraph (2) of subdivision (a) shall be subject to*  
37 *the provisions of Section 116730, as applicable.*

38 SEC. 15. Section 116751 of the Health and Safety Code is  
39 amended to read:

1 116751. The Department of Fish and ~~Game~~ *may Wildlife shall*  
2 not introduce a poison to a drinking water supply for purposes of  
3 fisheries management unless the ~~State Department of Health~~  
4 ~~Services~~ *state board* determines that the activity will not have a  
5 permanent adverse impact on the quality of the drinking water  
6 supply or wells connected to the drinking water supply. In making  
7 this determination, the ~~State Department of Health Services~~ *state*  
8 *board* shall evaluate the short- and long-term health effects of the  
9 poison in drinking water, ensure that an alternative supply of  
10 drinking water is provided to the users of the drinking water supply  
11 while the activity takes place, and, in cooperation with the  
12 Department of Fish and ~~Game~~ *Wildlife*, develop and implement a  
13 monitoring program to ensure that no detectable residuals of the  
14 poison, breakdown products, and other components of the poison  
15 formulation remain in the drinking water supply or adjoining wells  
16 after the activity is completed.

17 SEC. 16. Section 116760.20 of the Health and Safety Code is  
18 amended to read:

19 116760.20. ~~(a)~~ Unless the context otherwise requires, the  
20 following definitions govern the construction of this chapter:

21 ~~(1)~~

22 (a) "Acceptable result" means the project that, when constructed,  
23 solves the problem for which the project was placed on the project  
24 priority list, ensures the owner and operator of the improved or  
25 restructured public water system shall have long term technical,  
26 managerial, and financial capacity to operate and maintain the  
27 public water system in compliance with state and federal safe  
28 drinking water standards, can provide a dependable source of safe  
29 drinking water long term, and is both short-term and long-term  
30 affordable, as determined by the board.

31 (b) "Administrative fund" means the Safe Drinking Water State  
32 Revolving Fund Administration Fund created by Section  
33 116761.70.

34 ~~(2)~~

35 (c) "Board" means the State Water Resources Control Board.

36 ~~(3)~~

37 (d) "Cost-effective" means achieves an acceptable result at the  
38 most reasonable cost.

39 ~~(4)~~

1 (e) “Disadvantaged community” means a community that meets  
2 the definition provided in Section 116275.

3 ~~(5)~~

4 (f) “Federal Safe Drinking Water Act” or “federal act” means  
5 the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et seq.)  
6 and acts amendatory thereof or supplemental thereto.

7 ~~(6)~~

8 (g) “Fund” means the Safe Drinking Water State Revolving  
9 Fund created by Section 116760.30.

10 ~~(7)~~

11 (h) “Financing” means financial assistance awarded under this  
12 chapter, including loans, refinancing, installment sales agreements,  
13 purchase of debt, loan guarantees for municipal revolving funds,  
14 and grants.

15 ~~(8)~~

16 (i) “Matching funds” means state money that equals that  
17 percentage of federal contributions required by the federal act to  
18 be matched with state funds.

19 ~~(9)~~

20 (j) “Project” means cost-effective facilities for the construction,  
21 improvement, or rehabilitation of a public water system. It also  
22 may include the planning and design of the facilities, annexation  
23 or consolidation of water systems, source water assessments, source  
24 water protection, and other activities specified under the federal  
25 act.

26 ~~(10)~~

27 (k) “Public agency” means any city, county, city and county,  
28 whether general law or chartered, district, joint powers authority,  
29 or other political subdivision of the state, that owns or operates a  
30 public water system, *or any municipality, as that term is defined*  
31 *in the federal act.*

32 ~~(11)~~

33 (l) “Public water system” or “public water supply system” means  
34 a system for the provision to the public of water for human  
35 consumption, as defined in ~~Chapter 4 (commencing with Section~~  
36 ~~116270) Section 116275.~~

37 ~~(12)~~

38 (m) “Safe drinking water standards” means those standards  
39 established pursuant to Chapter 4 (commencing with Section  
40 116270), as they may now or hereafter be amended.

~~(13)~~

(n) “Severely disadvantaged community” means a community with a median household income of less than 60 percent of the statewide average.

~~(14)~~

(o) “Small community water system” has the meaning set forth in Section 116275.

~~(15)~~

(p) “Supplier” means any person, partnership, corporation, association, public agency, or other entity that owns or operates a public water system.

~~(b) This section shall become operative on January 1 of the next calendar year occurring after the board provides notice to the Legislature and the Secretary of State and posts notice on its Internet Web site that the board has adopted a policy handbook pursuant to Section 116760.43.~~

SEC. 17. Section 116760.38 is added to the Health and Safety Code, to read:

116760.38. Subject to all applicable constitutional restrictions, a city, county, or special district may borrow money and incur indebtedness pursuant to this chapter.

SEC. 18. Section 116761.65 of the Health and Safety Code is amended to read:

116761.65. (a) The board shall ~~annually~~ establish, *and may periodically adjust*, the interest rate for repayable financing made pursuant to this chapter at a rate not to exceed 50 percent of the average interest rate, computed by the true interest cost method, paid by the state on general obligation bonds issued in the prior calendar year, rounded up to the closest one-tenth of 1 percent.

(b) Notwithstanding subdivision (a), if the financing is for a public water system that serves a disadvantaged community with a financial hardship as determined by the board or if the financing is for a public water system that provides matching funds, the interest rate shall be 0 percent.

~~(c) This section shall become operative on January 1 of the next calendar year occurring after the board provides notice to the Legislature and the Secretary of State and posts notice on its Internet Web site that the board has adopted a policy handbook pursuant to Section 116760.43.~~

1 SEC. 19. Section 116761.70 of the Health and Safety Code is  
2 repealed.

3 ~~116761.70. (a) Not more than 4 percent of the capitalization~~  
4 ~~grant may be used by the board for administering this chapter. The~~  
5 ~~board may establish a reasonable schedule of administrative fees~~  
6 ~~that shall be paid by the applicant to reimburse the state for the~~  
7 ~~costs of the state administration of this chapter.~~

8 ~~(b) This section shall become operative on July 1, 2014.~~

9 SEC. 20. Section 116761.70 is added to the Health and Safety  
10 Code, to read:

11 116761.70. (a) The Safe Drinking Water State Revolving Fund  
12 Administration Fund is hereby created in the State Treasury.

13 (b) The following moneys shall be deposited into the  
14 administration fund:

15 (1) Moneys transferred to pay the costs incurred by the state  
16 board in connection with the administration of this chapter.

17 (2) The amounts collected for financial assistance services  
18 pursuant to subdivision (c).

19 (3) Notwithstanding Section 16475 of the Government Code,  
20 any interest earned upon the moneys in the fund.

21 (c) (1) For financial assistance made pursuant to this chapter,  
22 where that financial assistance is to be repaid to the state board,  
23 the state board may assess an annual charge for financial assistance  
24 services with regard to the financial assistance, not to exceed one  
25 percent of the financial assistance balance, computed according  
26 to the true interest cost method.

27 (2) The financial assistance service rate authorized by this  
28 subdivision may be applied at any time during the term of the  
29 financial assistance, and once applied, shall remain unchanged for  
30 the duration of the financial assistance and shall not increase the  
31 financial assistance repayment amount, as set forth in the terms  
32 and conditions imposed pursuant to this chapter.

33 (d) Upon appropriation by the Legislature, moneys in the  
34 administration fund may be expended by the state board for  
35 payment of the reasonable costs of administering the fund.

36 (e) The state board shall set the total amount of revenue collected  
37 each year through the charge authorized by subdivision (c) at an  
38 amount that is equal as practicable to the appropriation amount set  
39 forth in the annual Budget Act for this activity. At least once each  
40 fiscal year, the state board shall adjust the financial assistance

1 service charge imposed pursuant to subdivision (c) to conform  
2 with the appropriation amount set forth in the annual Budget Act.

3 SEC. 21. Section 117125 of the Health and Safety Code is  
4 amended to read:

5 117125. Notwithstanding any other ~~provision of~~ law, the  
6 Department of Fish and ~~Game~~ *Wildlife* may stock with fish any  
7 body of water opened to public fishing pursuant to this article.

8 SEC. 22. Section 10735.4 of the Water Code is amended to  
9 read:

10 10735.4. (a) If the board designates a basin as a probationary  
11 basin pursuant to paragraph ~~(1) or (2)~~ *(1), (2), or (4)* of subdivision  
12 (a) of Section 10735.2, a local agency or groundwater sustainability  
13 agency shall have 180 days to remedy the deficiency. The board  
14 may appoint a mediator or other facilitator, after consultation with  
15 affected local agencies, to assist in resolving disputes, and  
16 identifying and implementing actions that will remedy the  
17 deficiency.

18 (b) After the 180-day period provided by subdivision (a), the  
19 board may provide additional time to remedy the deficiency if it  
20 finds that a local agency is making substantial progress toward  
21 remedying the deficiency.

22 (c) The board may develop an interim plan pursuant to Section  
23 10735.8 for the probationary basin at the end of the period provided  
24 by subdivision (a) or any extension provided pursuant to  
25 subdivision (b), if the board, in consultation with the department,  
26 determines that a local agency has not remedied the deficiency  
27 that resulted in designating the basin as a probationary basin.

28 SEC. 23. Section 10735.6 of the Water Code is amended to  
29 read:

30 10735.6. (a) If the board designates a basin as a probationary  
31 basin pursuant to paragraph *(3) or (5)* of subdivision (a) of Section  
32 10735.2, the board shall identify the specific deficiencies and  
33 identify potential actions to address the deficiencies. The board  
34 may request the department to provide local agencies, within 90  
35 days of the designation of a probationary basin, with technical  
36 recommendations to remedy the deficiencies.

37 (b) The board may develop an interim plan pursuant to Section  
38 10735.8 for the probationary basin one year after the designation  
39 of the basin pursuant to paragraph *(3) or (5)* of subdivision (a) of  
40 Section 10735.2, if the board, in consultation with the department,

determines that a local agency has not remedied the deficiency that resulted in designating the basin a probationary basin.

SEC. 24. Section 13176 of the Water Code is amended to read:

13176. (a) (1) The analysis of any material required by this division shall be performed by a laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 of the Health and Safety Code. ~~This~~

(2) *This* requirement does not apply to field tests, such as tests for color, odor, turbidity, pH, temperature, dissolved oxygen, conductivity, and disinfectant residual.

(b) A person or public entity of the state shall not contract with a laboratory for environmental analyses ~~for which the State Department of Public Health requires~~ *required by paragraph (1) of subdivision (a) unless the laboratory has valid accreditation or certification pursuant to this chapter, unless the laboratory holds a valid certification or accreditation.*

SEC. 25. Section 13177 of the Water Code is amended to read:

13177. (a) It is the intent of the Legislature that the state board continue to implement the California State Mussel Watch Program.

(b) The Legislature finds and declares that the California State Mussel Watch Program provides the following benefits to the people of the state:

(1) An effective method for monitoring the long-term effects of certain toxic substances in selected fresh, estuarine, and marine waters.

(2) An important element in the state board's comprehensive water quality monitoring strategy.

(3) Identification, on an annual ~~basis~~ *basis*, of specific areas where concentrations of toxic substances are higher than normal.

(4) Valuable information to guide the state and regional boards and other public and private agencies in efforts to protect water quality.

(c) To the extent funding is appropriated for this purpose, the state board, in conjunction with the Department of Fish and ~~Game~~ *Wildlife*, shall continue to implement the long-term coastal monitoring program known as the California State Mussel Watch Program. The program may consist of, but is not limited to, the following elements:

1 (1) Removal of mussels, clams, and other aquatic organisms  
2 from relatively clean coastal sites and placing them in sampling  
3 sites. For purposes of this section, “sampling sites” means selected  
4 waters of concern to the state board and the Department of Fish  
5 and ~~Game Wildlife~~.

6 (2) After specified exposure periods at the sampling sites,  
7 removal of the aquatic organisms for analysis.

8 (3) Laboratory analysis of the removed aquatic organisms to  
9 determine the amounts of various toxic substances that may have  
10 accumulated in the bodies of the aquatic organisms.

11 (4) Making available both the short- and long-term results of  
12 the laboratory analysis to appropriate public and private agencies  
13 and the public.

14 SEC. 26. Section 13177.5 of the Water Code is amended to  
15 read:

16 13177.5. (a) The state board, in consultation with the Office  
17 of Environmental Health Hazard Assessment, shall develop a  
18 comprehensive coastal monitoring and assessment program for  
19 sport fish and shellfish, to be known as the Coastal Fish  
20 Contamination Program. The program shall identify and monitor  
21 chemical contamination in coastal fish and shellfish and assess the  
22 health risks of consumption of sport fish and shellfish caught by  
23 consumers.

24 (b) The state board shall consult with the Department of Fish  
25 and ~~Game Wildlife~~, the Office of Environmental Health Hazard  
26 Assessment, and regional water quality control boards with  
27 jurisdiction over territory along the coast, to determine chemicals,  
28 sampling locations, and the species to be collected under the  
29 program. The program developed by the state board shall include  
30 all of the following:

31 (1) Screening studies to identify coastal fishing areas where fish  
32 species have the potential for accumulating chemicals that pose  
33 significant health risks to human consumers of sport fish and  
34 shellfish.

35 (2) The assessment of at least 60 screening study monitoring  
36 sites and 120 samples in the first five years of the program and an  
37 assessment of additional screening study sites as time and resources  
38 permit.

39 (3) Comprehensive monitoring and assessment of fishing areas  
40 determined through screening studies to have a potential for



1 significant human health risk and a reassessment of these areas  
2 every five years.

3 (c) Based on existing fish contamination data, the state board  
4 shall designate a minimum of 40 sites as fixed sampling locations  
5 for the ongoing monitoring effort.

6 (d) The state board shall contract with the Office of  
7 Environmental Health Hazard Assessment to prepare  
8 comprehensive health risk assessments for sport fish and shellfish  
9 monitored in the program. The assessments shall be based on the  
10 data collected by the program and information on fish consumption  
11 and food preparation. The Office of Environmental Health Hazard  
12 Assessment, within 18 months of the completion of a  
13 comprehensive study for each area by the state board, shall submit  
14 to the board a draft health risk assessment report for that area.  
15 Those health risk assessments shall be updated following the  
16 reassessment of areas by the board.

17 (e) The Office of Environmental Health Hazard Assessment  
18 shall issue health advisories when the office determines that  
19 consuming certain fish or shellfish presents a significant health  
20 risk. The advisories shall contain information for the public, and  
21 particularly the population at risk, concerning health risks from  
22 the consumption of the fish or shellfish. The office shall notify the  
23 appropriate county health officers, the State Department of *Public*  
24 *Health Services*, and the Department of Fish and ~~Game~~, ~~prior to~~  
25 ~~Wildlife before~~ the issuance of a health advisory. The notification  
26 shall provide sufficient information for the purpose of posting  
27 signage. The office shall urge county health officers to  
28 conspicuously post health warnings in areas where contaminated  
29 fish or shellfish may be caught including piers, commercial  
30 passenger fishing vessels, and shore areas where fishing occurs.  
31 The Department of Fish and ~~Game Wildlife~~ shall publish the  
32 office's health warnings in its Sport Fishing Regulations Booklet.

33 SEC. 27. Section 13177.6 of the Water Code is amended to  
34 read:

35 13177.6. To the extent funding is appropriated for this purpose,  
36 the state board, in consultation with the Department of Fish and  
37 ~~Game Wildlife~~ and Office of Environmental Health Hazard  
38 Assessment, shall perform a monitoring study to reassess the  
39 geographic boundaries of the commercial fish closure off the Palos  
40 Verdes Shelf. The reassessment shall include collection and

1 analysis of white croaker caught on the Palos Verdes Shelf, within  
2 three miles south of the Shelf, and within San Pedro Bay. Based  
3 on the results of the reassessment, the Department of Fish and  
4 ~~Game Wildlife~~, with guidance from the Office of the Environmental  
5 Health Hazard Assessment, shall redelineate, if necessary, the  
6 commercial fish closure area to protect the health of consumers  
7 of commercially caught white croaker. The sample collection and  
8 analysis shall be conducted within 18 months of the enactment of  
9 this section and the reassessment of the health risk shall be  
10 conducted within 18 months of the completion of the analysis of  
11 the samples.

12 SEC. 28. Section 13178 of the Water Code is amended to read:

13 13178. (a) ~~(1) On or before June 30, 2001, the~~ The state board,  
14 in conjunction with the State Department of *Public Health Services*  
15 and a panel of experts established by the state board, shall develop  
16 source investigation protocols for use in conducting source  
17 investigations of storm drains that produce exceedences of  
18 bacteriological standards established pursuant to subdivision (c)  
19 of Section 115880 of the Health and Safety Code. The protocols  
20 shall be based upon the experiences drawn from previous source  
21 investigations performed by the state board, regional boards, or  
22 other agencies, and other available data. The protocols shall include  
23 methods for identifying the location and biological origins of  
24 sources of bacteriological contamination, and, at a minimum, shall  
25 require source investigations if bacteriological standards are  
26 exceeded in any three weeks of a four-week period, or, for areas  
27 where testing is done more than once a week, 75 percent of testing  
28 days that produce an exceedence of those standards.

29 ~~(2)~~

30 (b) The development of source investigation protocols pursuant  
31 to ~~paragraph (1)~~ subdivision (a) is not subject to Chapter 3.5  
32 (commencing with Section 11340) of Part 1 of Division 3 of Title  
33 2 of the Government Code.

34 ~~(b) On or before December 1, 2001, the state board, in~~  
35 ~~conjunction with the State Department of Health Services, shall~~  
36 ~~report to the Legislature on the methods by which it intends to~~  
37 ~~conduct source investigations of storm drains that produce~~  
38 ~~exceedences of bacteriological standards established pursuant to~~  
39 ~~subdivision (c) of Section 115880 of the Health and Safety Code.~~  
40 Factors to be addressed in the report shall include the approximate

1 ~~number of public beaches expected to be affected by the~~  
2 ~~exceedence of bacteriological standards established pursuant to~~  
3 ~~subdivision (e) of Section 115880 of the Health and Safety Code,~~  
4 ~~as well as the costs expected for source investigation of the storm~~  
5 ~~drains affecting those public beaches. The report shall include a~~  
6 ~~timeline for completion of source investigations.~~

7 SEC. 29. Section 13181 of the Water Code is amended to read:

8 13181. (a) (1) On or before December 1, 2007, the California  
9 Environmental Protection Agency and the *Natural Resources*  
10 Agency shall enter into a memorandum of understanding for the  
11 purposes of establishing the California Water Quality Monitoring  
12 Council, which shall be administered by the state board.

13 (2) As used in this section, “monitoring council” means the  
14 California Water Quality Monitoring Council established pursuant  
15 to this section.

16 (3) The monitoring council may include representatives from  
17 state entities and nonstate entities. The representatives from  
18 nonstate entities may include, but need not be limited to,  
19 representatives from federal and local government, institutions of  
20 higher education, the regulated community, citizen monitoring  
21 groups, and other interested parties.

22 (4) The monitoring council shall review existing water quality  
23 monitoring, assessment, and reporting efforts, and shall recommend  
24 specific actions and funding needs necessary to coordinate and  
25 enhance those efforts.

26 (5) (A) The recommendations shall be prepared for the ultimate  
27 development of a cost-effective, coordinated, integrated, and  
28 comprehensive statewide network for collecting and disseminating  
29 water quality information and ongoing assessments of the health  
30 of the state’s waters and the effectiveness of programs to protect  
31 and improve the quality of those waters.

32 (B) For purposes of developing recommendations pursuant to  
33 this section, the monitoring council shall initially focus on the  
34 water quality monitoring efforts of state agencies, including, but  
35 not limited to, the state board, the regional boards, the department,  
36 the Department of Fish and ~~Game~~ *Wildlife*, the California Coastal  
37 Commission, the State Lands Commission, the Department of  
38 Parks and Recreation, the Department of Forestry and Fire  
39 Protection, ~~and the Department of Pesticide Regulation, and the~~  
40 ~~State Department of Health Services~~ *Regulation*.

1 (C) In developing the recommendations, the monitoring council  
2 shall seek to build upon existing programs rather than create new  
3 programs.

4 (6) Among other things, the memorandum of understanding  
5 shall describe the means by which the monitoring council shall  
6 formulate recommendations to accomplish both of the following:

7 (A) Reduce redundancies, inefficiencies, and inadequacies in  
8 existing water quality monitoring and data management programs  
9 in order to improve the effective delivery of sound, comprehensive  
10 water quality information to the public and decisionmakers.

11 (B) Ensure that water quality improvement projects financed  
12 by the state provide specific information necessary to track project  
13 effectiveness with regard to achieving clean water and healthy  
14 ecosystems.

15 (b) The monitoring council shall report, on or before December  
16 1, 2008, to the California Environmental Protection Agency and  
17 the *Natural* Resources Agency with regard to its recommendations  
18 for maximizing the efficiency and effectiveness of existing water  
19 quality data collection and dissemination, and for ensuring that  
20 collected data are maintained and available for use by  
21 decisionmakers and the public. The monitoring council shall  
22 consult with the United States Environmental Protection Agency  
23 in preparing these recommendations. The monitoring council's  
24 recommendations, and any responses submitted by the California  
25 Environmental Protection Agency or the *Natural* Resources  
26 Agency to those recommendations, shall be made available to  
27 decisionmakers and the public by means of the Internet.

28 (c) The monitoring council shall undertake and complete, on or  
29 before April 1, 2008, a survey of its members to develop an  
30 inventory of their existing water quality monitoring and data  
31 collection efforts statewide and shall make that information  
32 available to the public.

33 (d) All state agencies, including institutions of higher education  
34 to the extent permitted by law, that collect water quality data or  
35 information shall cooperate with the California Environmental  
36 Protection Agency and the *Natural* Resources Agency in achieving  
37 the goals of the monitoring council as described in this section.

38 (e) In accordance with the requirements of the Clean Water Act  
39 (33 U.S.C. Sec. 1251 et seq.) and implementing guidance, the state

1 board shall develop, in coordination with the monitoring council,  
2 all of the following:

3 (1) A comprehensive monitoring program strategy that utilizes  
4 and expands upon the state's existing statewide, regional, and other  
5 monitoring capabilities and describes how the state will develop  
6 an integrated monitoring program that will serve all of the state's  
7 water quality monitoring needs and address all of the state's waters  
8 over time. The strategy shall include a timeline not to exceed 10  
9 years to complete implementation. The strategy shall be  
10 comprehensive in scope and identify specific technical, integration,  
11 and resource needs, and shall recommend solutions for those needs  
12 so that the strategy may be implemented within the 10-year  
13 timeframe.

14 (2) Agreement, including agreement on a schedule, with regard  
15 to the comprehensive monitoring of statewide water quality  
16 protection indicators that provide a basic minimum understanding  
17 of the health of the state's waters. Indicators already developed  
18 pursuant to environmental protection indicators for statewide  
19 initiatives shall be given high priority as core indicators for  
20 purposes of the network described in subdivision (a).

21 (3) Quality management plans and quality assurance plans that  
22 ensure the validity and utility of the data collected.

23 (4) Methodology for compiling, analyzing, and integrating  
24 readily available information, to the maximum extent feasible,  
25 including, but not limited to, data acquired from discharge reports,  
26 volunteer monitoring groups, local, state, and federal agencies,  
27 and recipients of state-funded or federally funded water quality  
28 improvement or restoration projects.

29 (5) An accessible and user-friendly electronic data system with  
30 timely data entry and ready public access via the Internet. To the  
31 maximum extent possible, the geographic location of the areas  
32 monitored shall be included in the data system.

33 (6) Production of timely and complete water quality reports and  
34 lists that are required under Sections 303(d), 305(b), 314, and 319  
35 of the Clean Water Act and Section 406 of the Beaches  
36 Environmental Assessment and Coastal Health Act of 2000, that  
37 include all available information from discharge reports, volunteer  
38 monitoring groups, and local, state, and federal agencies.

39 (7) An update of the state board's surface water ambient  
40 monitoring program needs assessment in light of the benefits of

1 increased coordination and integration of information from other  
2 agencies and information sources. This update shall include  
3 identification of current and future resource needs required to fully  
4 implement the coordinated, comprehensive monitoring network,  
5 including, but not limited to, funding, staff, training, laboratory  
6 and other resources, and projected improvements in the network.

7 (f) The state board shall identify the full costs of implementation  
8 of the comprehensive monitoring program strategy developed  
9 pursuant to subdivision (e), and shall identify proposed sources of  
10 funding for the implementation of the strategy, including federal  
11 funds that may be expended for this purpose. Fees collected  
12 pursuant to paragraph (1) of subdivision (d) of Section 13260 may  
13 be used as a funding source for implementation of the strategy to  
14 the extent that the funding is consistent with subparagraph (B) of  
15 paragraph (1) of subdivision (d) of Section 13260.

16 (g) Data, summary information, and reports prepared pursuant  
17 to this section shall be made available to appropriate public  
18 agencies and the public by means of the Internet.

19 (h) (1) Commencing December 1, 2008, the Secretary of the  
20 California Environmental Protection Agency shall conduct a  
21 triennial audit of the effectiveness of the monitoring program  
22 strategy developed pursuant to subdivision (e). The audit shall  
23 include, but need not be limited to, an assessment of the following  
24 matters:

25 (A) The extent to which the strategy has been implemented.

26 (B) The effectiveness of the monitoring and assessment program  
27 and the monitoring council with regard to both of the following:

28 (i) Tracking improvements in water quality.

29 (ii) Evaluating the overall effectiveness of programs  
30 administered by the state board or a regional board and of state  
31 and federally funded water quality improvement projects.

32 (2) The Secretary of the California Environmental Protection  
33 Agency shall consult with the Secretary of the *Natural Resources*  
34 Agency in preparing the audit, consistent with the memorandum  
35 of understanding entered into pursuant to subdivision (a).

36 (i) The state board shall prioritize the use of federal funding  
37 that may be applied to monitoring, including, but not limited to,  
38 funding under Section 106 of the Federal Water Pollution Control  
39 Act, for the purpose of implementing this section.

1 (j) The state board shall not use more than 5 percent of the funds  
2 made available to implement this section for the administrative  
3 costs of any contracts entered into for the purpose of implementing  
4 this section.

5 SEC. 30. Section 13275 of the Water Code is amended to read:

6 13275. (a) Notwithstanding any other law, a public water  
7 system regulated by the ~~State Department of Public Health~~ *state*  
8 *board pursuant to Chapter 4 (commencing with Section 116270)*  
9 *of Part 12 of Division 104 of the Health and Safety Code* shall  
10 have the same legal rights and remedies against a responsible party,  
11 when the water supply used by that public water system is  
12 contaminated, as those of a private land owner whose groundwater  
13 has been contaminated.

14 (b) For purposes of this section, “responsible party” has the  
15 same meaning as defined in Section 25323.5 of the Health and  
16 Safety Code.

17 SEC. 31. Section 13285 of the Water Code is amended to read:

18 13285. (a) A discharge from a storage tank, pipeline, or other  
19 container of methyl tertiary-butyl ether (MTBE), or of any pollutant  
20 that contains MTBE, that poses a threat to drinking water, or to  
21 groundwater or surface water that may reasonably be used for  
22 drinking water, or to coastal waters shall be cleaned up to a level  
23 consistent with subdivisions (a) and (b) of Section 25296.10 of  
24 the Health and Safety Code.

25 (b) (1) A public water system, or its customers, shall not be  
26 responsible for remediation or treatment costs associated with  
27 MTBE, or a product that contains MTBE. However, the public  
28 water system may, as necessary, incur MTBE remediation and  
29 treatment costs and include those costs in its customer rates and  
30 charges that are necessary to comply with drinking water standards  
31 or directives of the ~~State Department of Public Health~~ *state board*  
32 or other lawful authority. ~~Any~~ A public water system that incurs  
33 MTBE remediation or treatment costs may seek recovery of those  
34 costs from parties responsible for the MTBE contamination, or  
35 from other available alternative sources of funds.

36 (2) If the public water system has included the costs of MTBE  
37 treatment and remediation in its customer rates and charges, and  
38 subsequently recovers all, or a portion of, its MTBE treatment and  
39 remediation costs from responsible parties or other available  
40 alternative sources of funds, it shall make an adjustment to its

1 schedule of rates and charges to reflect the amount of funding  
2 received from responsible parties or other available alternative  
3 sources of funds for MTBE treatment or remediation.

4 (3) Paragraph (1) does not prevent the imposition of liability  
5 on any person for the discharge of MTBE if that liability is due to  
6 the conduct or status of that person independently of whether the  
7 person happens to be a customer of the public water system.

8 SEC. 32. Section 13304.1 of the Water Code is amended to  
9 read:

10 13304.1. (a) A groundwater cleanup system that commences  
11 operation on or after January 1, 2002, and that is required to obtain  
12 a discharge permit from the regional board pursuant to the regional  
13 board's jurisdiction, and that discharges treated groundwater to  
14 surface water or groundwater, shall treat the groundwater to  
15 standards approved by the regional board, consistent with this  
16 division and taking into account the beneficial uses of the receiving  
17 water and the location of the discharge and the method by which  
18 the discharge takes place.

19 (b) In making its determination of the applicable water quality  
20 standards to be achieved by the operator of a groundwater cleanup  
21 system that commences operation on or after January 1, 2002, that  
22 draws groundwater from an aquifer that is currently being used,  
23 or has been used at any time since 1979 as a source of drinking  
24 water supply by the owner or operator of a public water system,  
25 and that discharges treated groundwater to surface water or  
26 groundwater from which a public water system draws drinking  
27 water, the regional board shall consult with the affected  
28 groundwater management entity, if any, affected public water  
29 systems, and the ~~State Department of Public Health~~ *state board*  
30 to ensure that the discharge, spreading, or injection of the treated  
31 groundwater will not adversely affect the beneficial uses of any  
32 groundwater basin or surface water body that is or may be used  
33 by a public water system for the provision of drinking water.

34 SEC. 33. Section 13331.2 of the Water Code is repealed.

35 ~~13331.2. The provisions of Assembly Bill 3036 of the 1995-96~~  
36 ~~Regular Session, which, among other things, amended provisions~~  
37 ~~of this chapter, do not apply to any proceeding for the judicial~~  
38 ~~review of a decision or order of the state board that is pending on~~  
39 ~~December 31, 1996, and the applicable law in effect on that date~~  
40 ~~shall continue to apply to that proceeding.~~



1 SEC. 34. Section 13392 of the Water Code is amended to read:  
2 13392. The state board and the regional boards, in consultation  
3 with the State Department of Public Health and the Department  
4 of Fish and ~~Game~~ *Wildlife*, shall develop and maintain a  
5 comprehensive program to (1) identify and characterize toxic hot  
6 spots, as defined in Section 13391.5, (2) plan for the cleanup or  
7 other appropriate remedial or mitigating actions at the sites, and  
8 (3) amend water quality control plans and policies to incorporate  
9 strategies to prevent the creation of new toxic hot spots and the  
10 further pollution of existing hot spots. As part of this program, the  
11 state board and regional boards shall, to the extent feasible, identify  
12 specific discharges or waste management practices that contribute  
13 to the creation of toxic hot spots, and shall develop appropriate  
14 prevention strategies, including, but not limited to, adoption of  
15 more stringent waste discharge requirements, onshore remedial  
16 actions, adoption of regulations to control source pollutants, and  
17 development of new programs to reduce urban and agricultural  
18 runoff.

19 SEC. 35. Section 13392.5 of the Water Code is amended to  
20 read:

21 13392.5. (a) Each regional board that has regulatory authority  
22 for one or more enclosed bays or estuaries shall, on or before  
23 January 30, 1994, develop for each enclosed bay or estuary, a  
24 consolidated data base that identifies and describes all known and  
25 potential toxic hot spots. Each regional board shall, in consultation  
26 with the state board, also develop an ongoing monitoring and  
27 surveillance program that includes, but is not limited to, the  
28 following components:

29 (1) Establishment of a monitoring and surveillance task force  
30 that includes representation from agencies, including, but not  
31 limited to, the State Department of Public Health and the  
32 Department of Fish and ~~Game~~ *Wildlife*, that routinely monitor  
33 water quality, sediment, and aquatic life.

34 (2) Suggested guidelines to promote standardized analytical  
35 methodologies and consistency in data reporting.

36 (3) Identification of additional monitoring and analyses that are  
37 needed to develop a complete toxic hot spot assessment for each  
38 enclosed bay and estuary.

39 (b) Each regional board shall make available to state and local  
40 agencies and the public all information contained in the

1 consolidated data base, as well as the results of new monitoring  
2 and surveillance data.

3 SEC. 36. Section 13393.5 of the Water Code is amended to  
4 read:

5 13393.5. On or before January 30, 1994, the state board, in  
6 consultation with the State Department of *Public Health Services*  
7 and the Department of Fish and ~~Game~~ *Wildlife*, shall adopt general  
8 criteria for the assessment and priority ranking of toxic hot spots.  
9 The criteria shall take into account the pertinent factors relating  
10 to public health and environmental quality, including, but not  
11 limited to, potential hazards to public health, toxic hazards to fish,  
12 shellfish, and wildlife, and the extent to which the deferral of a  
13 remedial action will result, or is likely to result, in a significant  
14 increase in environmental damage, health risks, or cleanup costs.

15 SEC. 37. Section 13400 of the Water Code is amended to read:

16 13400. As used in this chapter, unless otherwise apparent from  
17 the context:

18 (a) "Facilities" means any of the following:

19 (1) Facilities for the collection, treatment, or export of waste  
20 when necessary to prevent water pollution.

21 (2) Facilities to recycle wastewater and to convey recycled  
22 water.

23 (3) Facilities or devices to conserve water.

24 (4) Any combination of the facilities described in paragraph  
25 (1), (2), or (3).

26 (b) "Fund" means the State Water Quality Control Fund.

27 (c) "Not-for-profit organization" means an organization operated  
28 on a not-for-profit basis, including, but not limited to, an  
29 association, cooperative, or private corporation that is a public  
30 water system, as defined in Section 116275 of the Health and  
31 Safety Code, that meets technical, managerial, and financial  
32 capacity criteria specified by the ~~State Department of Public Health~~  
33 *state board* for public water systems, or that is subject to regulatory  
34 authority pursuant to this division. "Not-for-profit organization"  
35 includes only an organization that is either controlled by a local  
36 public body or bodies or has a broadly based ownership by, or  
37 membership of, people of the local community.

38 (d) "Public agency" means any city, county, city and county,  
39 district, or other political subdivision of the state.

40 SEC. 38. Section 13426 of the Water Code is amended to read:

1 13426. The state board, subject to approval by the Director of  
2 Finance, may agree to provide a guarantee pursuant to this article  
3 for all or a specified part of the proposed local agency bond issue  
4 upon ~~making, after consultation with the State Department of~~  
5 ~~Public Health,~~ *making* all of the following determinations:

6 (a) The facilities proposed by an applicant are necessary to the  
7 health or welfare of the inhabitants of the state and are consistent  
8 with water quality control plans adopted by regional boards.

9 (b) The proposed facilities meet the needs of the applicant.

10 (c) The proposed bond issue and plan repayment are sound and  
11 feasible.

12 (d) In the case of facilities proposed under paragraph (2) of  
13 subdivision ~~(e)~~ (a) of Section 13400, the facilities will produce  
14 recycled water and the applicant has adopted a feasible program  
15 for the use of the facilities. The state board may adopt criteria for  
16 ranking and setting priorities among applicants for those  
17 guarantees.

18 SEC. 39. Section 13476 of the Water Code is amended to read:

19 13476. Unless the context otherwise requires, the following  
20 definitions govern the construction of this chapter:

21 (a) “Administration fund” means the State Water Pollution  
22 Control Revolving Fund Administration Fund.

23 (b) “Board” means the State Water Resources Control Board.

24 (c) “Federal Clean Water Act” or “federal act” means the Clean  
25 Water Act (33 U.S.C. Sec. 1251 et seq.) and acts amendatory  
26 thereof or supplemental thereto.

27 (d) (1) “Financial assistance” means assistance authorized under  
28 Section 13480. Financial assistance includes loans, refinancing,  
29 installment sales agreements, purchase of debt, and loan guarantees  
30 for municipal revolving funds, but excludes grants.

31 (2) Notwithstanding paragraph (1), financial assistance may  
32 include grants or other assistance directed by a federal  
33 ~~capitalization~~ grant deposited in the fund to the extent authorized  
34 and funded by that grant.

35 (e) “Fund” means the State Water Pollution Control Revolving  
36 Fund.

37 (f) “Grant fund” means the State Water Pollution Control  
38 Revolving Fund Small Community Grant Fund.

(g) “Matching funds” means money that equals that percentage of federal contributions required by the federal act to be matched with state funds.

(h) “Municipality” has the same meaning and construction as in the federal act and also includes all state, interstate, and intermunicipal agencies.

(i) “Publicly owned” means owned by a municipality.

(j) “Severely disadvantaged community” means a community with a median household income of less than 60 percent of the statewide median household income.

SEC. 40. Section 13480 of the Water Code is amended to read:

13480. (a) Moneys in the fund shall be used only for the permissible purposes allowed by the federal act or a federal capitalization grant deposited in the fund to the extent authorized and funded by that grant, ~~including providing financial assistance for the following purposes:~~ *grant*.

~~(1) The construction of publicly owned treatment works, as defined by Section 212 of the federal act (33 U.S.C. Sec. 1292), by any municipality.~~

~~(2) Implementation of a management program pursuant to Section 319 of the federal act (33 U.S.C. Sec. 1329).~~

~~(3) Development and implementation of a conservation and management plan under Section 320 of the federal act (33 U.S.C. Sec. 1330).~~

~~(4) Financial assistance, other than a loan, toward the nonfederal share of costs of any grant-funded treatment works project, but only if that assistance is necessary to permit the project to proceed.~~

~~(5) Financial assistance provided under the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5) for projects authorized pursuant to this subdivision.~~

(b) Consistent with expenditure for authorized purposes, moneys in the fund may be used for the following purposes:

(1) Loans that meet all of the following requirements:

(A) Are made at or below market interest rates.

(B) Require annual payments of principal and any interest, with repayment commencing not later than one year after completion of the project for which the loan is made and full amortization not later than ~~20~~ 30 years after project completion unless otherwise authorized by a federal capitalization grant deposited in the fund to the extent authorized and funded by that grant. Loan forgiveness

1 is permissible to the extent authorized by a federal capitalization  
2 grant deposited in the fund to the extent authorized and funded by  
3 that grant.

4 (C) Require the loan recipient to establish an acceptable  
5 dedicated source of revenue for repayment of a loan.

6 (D) (i) Contain other terms and conditions required by the board  
7 or the federal act or applicable rules, regulations, guidelines, and  
8 policies. To the extent permitted by federal law, the combined  
9 interest and loan service rate shall be set at a rate that does not  
10 exceed 50 percent of the interest rate paid by the state on the most  
11 recent sale of state general obligation bonds and the combined  
12 interest and loan service rate shall be computed according to the  
13 true interest cost method. If the combined interest and loan service  
14 rate so determined is not a multiple of one-tenth of 1 percent, the  
15 combined interest and loan service rate shall be set at the multiple  
16 of one-tenth of 1 percent next above the combined interest and  
17 loan service rate so determined. A loan from the fund used to  
18 finance costs of facilities planning, or the preparation of plans,  
19 specifications, or estimates for construction of publicly owned  
20 treatment works shall comply with Section 603(e) of the federal  
21 act (33 U.S.C. Sec. 1383(e)).

22 (ii) Notwithstanding clause (i), if the loan applicant is a  
23 municipality, an applicant for a loan for the implementation of a  
24 management program pursuant to Section 319 of the federal Clean  
25 Water Act (33 U.S.C. Sec. 1329), or an applicant for a loan for  
26 nonpoint source or estuary enhancement pursuant to Section 320  
27 of the federal Clean Water Act (33 U.S.C. Sec. 1330), and the  
28 applicant provides matching funds, the combined interest and loan  
29 service rate on the loan shall be 0 percent. A loan recipient that  
30 returns to the fund an amount of money equal to 20 percent of the  
31 remaining unpaid federal balance of an existing loan shall have  
32 the remaining unpaid loan balance refinanced at a combined interest  
33 and loan service rate of 0 percent over the time remaining in the  
34 original loan contract.

35 (2) To buy or refinance the debt obligations of municipalities  
36 within the state at or below market rates if those debt obligations  
37 were incurred after March 7, 1985.

38 (3) To guarantee, or purchase insurance for, local obligations  
39 where that action would improve credit market access or reduce  
40 interest rates.

1 (4) As a source of revenue or security for the payment of  
2 principal and interest on revenue or general obligation bonds issued  
3 by the state, if the proceeds of the sale of those bonds will be  
4 deposited in the fund.

5 (5) To establish loan guarantees for similar revolving funds  
6 established by municipalities.

7 (6) To earn interest.

8 (7) For payment of the reasonable costs of administering the  
9 fund and conducting activities under Title VI (commencing with  
10 Section 601) of the federal act (33 U.S.C. Sec. 1381 et seq.). Those  
11 costs shall not exceed 4 percent of all federal contributions to the  
12 fund, ~~except that if permitted by federal and state law, interest~~  
13 ~~repayments into the fund and other moneys in the fund may be~~  
14 ~~used to defray additional administrative and activity costs to the~~  
15 ~~extent permitted by the federal government and approved by the~~  
16 ~~Legislature in the Budget Act four hundred thousand dollars~~  
17 ~~(\$400,000) per year, or one-fifth percent per year of the current~~  
18 ~~valuation of the fund, whichever amount is greatest, plus the~~  
19 ~~amount of any fees collected by the state for this purpose regardless~~  
20 ~~of the source.~~

21 (8) For financial assistance toward the nonfederal share of the  
22 costs of grant-funded treatment works projects to the extent  
23 permitted by the federal act.

24 (9) Grants, principal forgiveness, negative interest rates, and  
25 any other type of, or variation on the above types of, assistance  
26 authorized by a federal ~~capitalization~~ grant deposited in the fund  
27 to the extent authorized and funded by that grant.

28 SEC. 41. Section 79702 of the Water Code is amended to read:

29 79702. Unless the context otherwise requires, the definitions  
30 set forth in this section govern the construction of this division, as  
31 follows:

32 (a) "Acquisition" means obtaining a fee interest or any other  
33 interest in real property, ~~including~~, *including* easements, leases,  
34 water, water rights, or interest in water obtained for the purposes  
35 of instream flows and development rights.

36 (b) "CALFED Bay-Delta Program" means the program  
37 described in the Record of Decision dated August 28, 2000.

38 (c) "Commission" means the California Water Commission.

1 (d) “Committee” means the Water Quality, Supply, and  
2 Infrastructure Improvement Finance Committee created by Section  
3 79787.

4 (e) “Delta” means the Sacramento-San Joaquin Delta, as defined  
5 in Section 85058.

6 (f) “Delta conveyance facilities” means facilities that convey  
7 water directly from the Sacramento River to the State Water Project  
8 or the federal Central Valley Project pumping facilities in the south  
9 Delta.

10 (g) “Delta counties” means the Counties of Contra Costa,  
11 Sacramento, San Joaquin, Solano, and Yolo.

12 (h) “Delta plan” has the meaning set forth in Section 85059.

13 (i) “Director” means the Director of Water Resources.

14 (j) “Disadvantaged community” has the meaning set forth in  
15 subdivision (a) of Section 79505.5, as it may be amended.

16 (k) “Economically distressed area” means a municipality with  
17 a population of 20,000 persons or less, a rural county, or a  
18 reasonably isolated and divisible segment of a larger municipality  
19 where the segment of the population is 20,000 persons or less,  
20 with an annual median household income that is less than 85  
21 percent of the statewide median household income, and with one  
22 or more of the following conditions as determined by the  
23 department:

24 (1) Financial hardship.

25 (2) Unemployment rate at least 2 percent higher than the  
26 statewide average.

27 (3) Low population density.

28 (l) “Fund” means the Water Quality, Supply, and Infrastructure  
29 Improvement Fund of 2014 created by Section 79715.

30 (m) “Instream flows” means a specific streamflow, measured  
31 in cubic feet per second, at a particular location for a defined time,  
32 and typically follows seasonal variations.

33 (n) “Integrated regional water management plan” has the  
34 meaning set forth in Part 2.2 (commencing with Section 10530)  
35 of Division 6, as that part may be amended.

36 (o) “Long-term” means for a period of not less than 20 years.

37 (p) “Nonprofit organization” means an organization qualified  
38 to do business in California and qualified under Section 501(c)(3)  
39 of Title 26 of the United States Code.

(q) “Proposition 1E” means the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Chapter 1.699 (commencing with Section 5096.800) of Division 5 of the Public Resources Code).

(r) “Proposition 84” means the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).

(s) “Public agency” means a state agency or department, special district, joint powers authority, city, county, city and county, or other political subdivision of the state.

(t) “Rainwater” has the meaning set forth in subdivision (c) of Section 10573.

(u) “Secretary” means the Secretary of the Natural Resources Agency.

(v) “Severely disadvantaged community” has the meaning set forth in ~~subdivision (a) of~~ Section 116760.20 of the Health and Safety Code.

(w) “Small community water system” means a community water system that serves no more than 3,300 service connections or a yearlong population of no more than 10,000 persons.

(x) “State board” means the State Water Resources Control Board.

(y) “State General Obligation Bond Law” means the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code).

(z) “State small water system” has the meaning set forth in subdivision (n) of Section 116275 of the Health and Safety Code.

(aa) “Stormwater” has the meaning set forth in subdivision (e) of Section 10573.

(ab) “Water right” means a legal entitlement authorizing water to be diverted from a specified source and put to a beneficial, nonwasteful use.

SEC. 42. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within



1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

O